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HOUSE BILL 410

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

G. X. MCSHERRY

AN ACT

RELATING TO STATE PARKS; CREATING THE STATE PARK AND RECREATION
COMMISSION; PROVIDING POWERS AND DUTIES; AMENDING, REPEALING AND
ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-5A-4 NMSA 1978 (being Laws 1987,
Chapter 234, Section 4) is amended to read:

"9-5A-4. DIVISIONS--DUTIES.--In addition to the duties
assigned to each division of the energy, minerals and natural
resources department by the secretary of energy, minerals and
natural resources:

A. the administrative services division shall
provide clerical, recordkeeping and administrative support to
the department in the areas of personnel, budget, procurement
and contracting;

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1 B. the energy conservation and management division
2 shall plan, administer, review, provide technical assistance,
3 maintain records and monitor state and federal energy
4 conservation and alternative energy technology programs;

5 C. the forestry division shall enforce and
6 administer all laws and regulations relating to forestry and
7 soil and water conservation on lands within the state;

8 D. the mining and minerals division shall enforce
9 and administer laws and regulations relating to mine safety,
10 coal surface mine reclamation and abandoned mine lands
11 reclamation;

12 E. the oil conservation division shall administer
13 the laws and regulations relating to oil, gas and geothermal
14 resources, except those laws specifically administered by
15 another authority; and

16 F. the state park and recreation division shall
17 develop, maintain, manage and supervise all state parks and
18 state-owned or state-leased recreation areas pursuant to rules
19 and regulations adopted by the state park and recreation
20 commission. "

21 Section 2. A new section of Chapter 16, Article 2 NMSA
22 1978 is enacted to read:

23 " [NEW MATERIAL] DEFINITIONS. -- As used in Chapter 16,
24 Article 2 NMSA 1978:

25 A. "commission" means the state park and recreation

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1 commissi on;

2 B. "department" means the energy, minerals and
3 natural resources department; and

4 C. "secretary" means the secretary of energy,
5 minerals and natural resources. "

6 Section 3. A new section of Chapter 16, Article 2 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] COMMISSION CREATED-- MEMBERS-- TERMS--
9 COMPENSATION-- ADMINISTRATIVE ATTACHMENT. --

10 A. The "state park and recreation commissi on" is
11 created, consisting of nine members appointed by the governor,
12 with the advice and consent of the senate. The commissi on shall
13 be geographically balanced and broadly representative of state
14 park users and outdoor recreation enthusiasts.

15 B. Initially, three members shall be appointed to
16 the commissi on for terms ending June 30, 1999, three members for
17 terms ending June 30, 2001 and three members for terms ending
18 June 30, 2003. Thereafter, appointments shall be for six years,
19 expiring on June 30 of every odd-numbered year.

20 C. A majority of the members of the commissi on
21 constitutes a quorum for transaction of business. The
22 commissi on shall elect a chairman from its membership.

23 D. Members of the commissi on shall be reimbursed as
24 provided in the Per Diem and Mileage Act and shall receive no
25 other compensation, perquisite or allowance.

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1 E. The commission shall be administratively attached
2 to the department. "

3 Section 4. Section 16-2-7 NMSA 1978 (being Laws 1935,
4 Chapter 57, Section 7, as amended) is amended to read:

5 "16-2-7. RULES AND REGULATIONS. --The [secretary]
6 commission shall promulgate and adopt rules and regulations for
7 each park, including the setting of entrance and user fees, as
8 circumstances may demand to the end that each state park may be
9 made as nearly self-supporting as possible. "

10 Section 5. Section 16-2-9 NMSA 1978 (being Laws 1935,
11 Chapter 57, Section 9, as amended) is amended to read:

12 "16-2-9. CONCESSIONS IN PARKS--CONTRACTS--STATE BOARD OF
13 FINANCE APPROVAL. --The [secretary] commission has the power to
14 grant concessions in state parks and recreation areas upon such
15 rentals, fees or percentage of income or profits as [he] the
16 commission may prescribe, but not for a longer period than
17 thirty years. All concessions shall be evidenced by a written
18 contract, the faithful performance of which shall be secured by
19 such bond as the [secretary] commission may prescribe. No
20 contract granting a concession shall be effective until it has
21 been approved by the state board of finance. "

22 Section 6. Section 16-2-10 NMSA 1978 (being Laws 1935,
23 Chapter 57, Section 10, as amended) is amended to read:

24 "16-2-10. SECRETARY AND EMPLOYEES PROHIBITED FROM HAVING
25 INTEREST IN CONCESSIONS. --Neither the secretary nor any member

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1 of the [~~energy, minerals and natural resources~~] department or
2 the commission shall have any interest in, directly or indirect-
3 ly, or in any manner be connected with any concession granted to
4 any person within any state park or recreation area. "

5 Section 7. Section 16-2-14 NMSA 1978 (being Laws 1935,
6 Chapter 57, Section 13, as amended) is amended to read:

7 "16-2-14. PRIOR DONATIONS AND GRANTS ACCEPTED AND
8 CONFIRMED. --Lands heretofore donated or granted to the state or
9 its governor and his successors in office, in trust for the
10 state and the people thereof, for state park and recreation
11 purposes are hereby approved, ratified and accepted as state
12 parks and recreation areas, and the [~~state park and recreation~~
13 ~~division~~] commission shall designate appropriate names for each
14 of [~~said~~] the state parks and recreation areas. "

15 Section 8. REPEAL. --Sections 16-2-2 and 16-2-3 NMSA 1978
16 (being Laws 1977, Chapter 254, Sections 113 and 12, as amended)
17 are repealed.

18 Section 9. EFFECTIVE DATE. --The effective date of the
19 provisions of this act is July 1, 1997.